

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY BARTUNEK,

Defendant.

8:17CR28

ORDER

Defendant has requested that he be provided copies of sealed documents so he can prepare a motion under 28 U.S.C. § 2255. ([Filing No. 440](#).) Defendant wants (1) the Statement of Reasons for Sentencing and (2) the Amended Presentence Investigation Report. This request will be denied.

Defendant does not have the right to receive copies of documents without payment, even if he is indigent. See [Lewis v. Precision Optics, Inc.](#), 612 F.2d 1074, 1075 (8th Cir. 1980). Further, because Defendant has not actually filed a § 2255 petition, his request for free copies is premature. See [United States v. Barnett](#), 389 Fed. App'x. 575 (8th Cir. 2010) (affirming district court's denial of the defendant's request for a copy of an exhibit offered at the defendant's sentencing hearing because a § 2255 petition had not been filed at the time of the request). Also, Defendant has not provided specifics as to why these documents are needed, or how they are material or relevant to a § 2255 motion. See NECrR. 32.2. Therefore, Defendant's request for copies of these documents is denied.

The Clerk of Court is directed to mail a copy of this Order to Defendant.

IT IS SO ORDERED.

Dated this 3rd day of March, 2021.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge